

SOCIAL SURVEY REPORT INTO ARTISANAL DIAMOND MINING SITES IN THE KASAI-ORIENTAL PROVINCE IN THE DEMOCRATIC REPUBLIC OF CONGO



EXECUTIVE SUMMARY

This report presents the results of a field study of artisanal diamond mining sites in rural Mbuji-Mayi, a town in Kasai-Oriental Province, Democratic Republic of the Congo. Conducted by the *Groupe d'Appui aux Exploitants des Ressources Naturelles* (GAERN) in collaboration with Partnership Africa Canada (PAC). The survey is in response to atrocious acts committed by unauthorized government agencies in the province's diamond mines.

The objectives of the study were to:

- Document and account for the presence of unauthorized agencies at artisanal mining sites in the province of Kasai-Oriental and report on abuses committed;
- Identify unauthorized agencies at artisanal mining sites in rural Mbuji-Mayi;
- Investigate the role of unauthorized agencies in the assignment of pits, the allocation of gravel deposits, screening, and the payment of dividends.

According to section 16 and section 27 (a)a of the *Mining Code*, authorized departments are the Mining and Hydro Police, Mining Division and *Service d'Assistance et d'Encadrement du Small Scale Mining* (SAESSCAM). Any other government agency present at artisanal mines is therefore, unauthorized under the *Mining Act*. Specifically, this includes the provincial collection service, National Information Agency (ANR), Congolese armed forces (FARDC), Congolese National Police (PNC), department of public prosecutions environmental agencies, sector agents, district authorities, and the Office of the Auditor.

More than 80% of artisanal diamond miners responding to the survey questions consider that only authorized agencies, such as the Mining and Hydro Police, Mining Division and SAESSCAM, have a right to continue operating at artisanal mining sites.

Other agencies operating at artisanal diamond mining sites—specifically the National Information Agency (ANR), Congolese armed forces (FARDC), Congolese National Police (PNC), department of public prosecutions, provincial and district authorities, and the Office of the Auditor—without authorization under *Mining Act* should limit themselves to their primary mission as stipulated in the constitution of the DRC. These agencies create obstacles for artisanal miners extracting gravel deposits, preventing equal distribution of wealth.

According to survey results, the authorized agencies listed above have also become involved in trafficking and their representatives even go into the diamond pits to mine. They discourage artisanal diamond miners through intimidation and, at some sites, act as provocateurs instead of protecting the artisanal diamond miners.

In terms of the collection of taxes and fees from artisanal diamond miners, the situation is catastrophic.

We report that 99% of respondents at 10 artisanal diamond mining sites find taxation practices to be random, with proceeds never reaching the public treasury. The 10% royalty claimed by land chiefs every time a diamond is sold in their jurisdiction amounts to personal income for the chief and his associates, and is not used for community development on their land. This situation needs to be addressed.

As for the socioeconomic situation facing artisanal diamond miners, the income they derive is not proportionate to the work they perform and is insufficient to provide for the family's basic needs.

In these difficult conditions, miners earn less than \$500 US a year, their legally authorized production of diamonds is scrutinized and the rough diamonds they mine are sold without their permission at prices below the (remunerative) standard established for each recognized diamond category. Miners are no better off than they were before finding a diamond, and they remain trapped in a vicious circle of poverty.

Considering the preceding and given the bitter reality on the ground, it may be said that the *Mining Code* and the *Mining Regulations* are neither being applied nor having the desired effect, for even the authorized agencies that could regulate the artisanal diamond mining industry have become a harmful nuisance in the eyes of artisanal miners.

SUMMARY OF RECOMMENDATIONS

If the significant benefits of artisanal mining are to be harnessed to foster sustainable development and economic growth in Kasai-Oriental, these challenges must be addressed. Given the right framework, the government of the DRC could implement measures to transform artisanal diamond miners into operators who actively contribute to the local and national economy. The report therefore makes a number of specific recommendations to the government of the DRC to address conditions and abusive practices at mining sites. These include:

- *Withdrawing unauthorized agencies and seeing that the provisions of the Mining Code and Mining Regulation are applied;*
- *Promoting and protecting the rights of artisanal diamond miners;*
- *Providing financial support to help artisanal diamond miners organize mining cooperatives to produce and market diamonds;*
- *Ensuring that mining royalty is used to benefit local territories and populations as stipulated in the Mining Code and mining laws of the DRC;*
- *Improving basic social services at mining sites;*
- *Encouraging artisanal diamond miners to form mining production and marketing cooperative associations or other development cooperatives and to seek training on evaluating the selling price of diamonds in order to prevent speculation.*

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